

§ 61.1

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AUTHORITY: Secs. 1, 4(i), 4(j), 201–205 and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201–205 and 403, unless otherwise noted.

SOURCE: 49 FR 40869, Oct. 18, 1984, unless otherwise noted.

Subpart A—General

§ 61.1 Purpose and application.

(a) The purpose of this part is to prescribe the framework for the initial establishment of and subsequent revisions to tariff publications.

(b) Tariff publications filed with the Commission must conform to the rules in this part and with Commission rules regarding the payment of statutory charges (see subpart G of part 1 of this title) and the use of FCC Registration Numbers (FRNs) (see subpart W of part 1 of this title). Failure to comply with any provisions of these rules may be grounds for rejection of the non-complying publication, a determination that it is unlawful or other action. Where an FRN has been omitted from a cover letter or transmittal accompanying a tariff publication filed under this part or the FRN included in that letter is invalid, the submitting carrier

or carrier representative shall have ten (10) business days from the date of filing to amend the cover letter or transmittal to include a valid FRN. If within that ten (10) business day period, the carrier or carrier representative amends the cover letter or transmittal to include a valid FRN, that FRN shall be deemed to have been included in the letter as of its original filing date. If, after the expiration of the ten (10) business day period, the cover letter or transmittal has not been amended to include a valid FRN, the related tariff publication may be rejected if it has not yet become effective, declared unlawful if it has become effective, or subject to other action.

(c) No carrier required to file tariffs may provide any interstate or foreign communication service until every tariff publication for such communication service is on file with the Commission and in effect.

[49 FR 40869, Oct. 18, 1984, as amended at 66 FR 47896, Sept. 14, 2001]

§ 61.2 General tariff requirements.

(a) In order to remove all doubt as to their proper application, all tariff publications must contain clear and explicit explanatory statements regarding the rates and regulations.

(b) Tariff publications must be delivered to the Commission free from all charges, including claims of postage.

(c) Tariff publications will not be returned.

[64 FR 46586, Aug. 26, 1999]

§ 61.3 Definitions.

(a) *Act*. The Communications Act of 1934 (48 Stat. 1004; 47 U.S.C. chapter 5), as amended.

(b) *Actual Price Index (API)*. An index of the level of aggregate rate element rates in a basket, which index is calculated pursuant to § 61.46.

(c) *Association*. This term has the meaning given it in § 69.2(d).

(d) *Average Price Cap CMT Revenue per Line month*. (1) Price Cap CMT Revenue (as defined in § 61.3(cc)) per month as of July 1, 2000 (adjusted to remove Universal Service Contributions assessed to local exchange carriers pursuant to § 54.702 of this chapter) using 2000

annual filing base period demand, divided by the 2000 annual filing base period demand. In filing entities with multiple study areas, if it becomes necessary to calculate the Average Price Cap CMT Revenue per Line month for a specific study area, then the Average Price Cap CMT Revenue per Line month for that study area is determined as follows, using base period demand revenues (adjusted to remove Universal Service Contributions assessed to Local Exchange Carriers pursuant to § 54.702 of this chapter), Base Factor Portion (BFP) and 2000 annual filing base period lines:

Average Price Cap CMT Revenue per Line Month in a study area = Price Cap CMT Revenue × (BFP in the study area ÷ (BFP in the Filing Entity) ÷ (Lines in the study area.

(2) Nothing in this definition precludes a price cap local exchange carrier from continuing to average rates across filing entities containing multiple study areas, where permitted under existing rules.

(3) Average Price Cap CMT Revenues per Line month may be adjusted after July 1, 2000 to reflect exogenous costs pursuant to § 61.45(d).

(4) Average Price Cap CMT Revenues per Line month may also be adjusted pursuant to § 61.45 (b)(1)(iii).

(e) *Average Traffic Sensitive Charge.* (1) The Average Traffic Sensitive Charge (ATS charge) is the sum of the following two components:

(i) The Local Switching (LS) component. The LS component will be calculated by dividing the proposed LS revenues (End Office Switch, LS trunk ports, Information Surcharge, and signalling transfer point (STP) port) by the base period LS minutes of use (MOUs); and

(ii) The Transport component. The Transport component will be calculated by dividing the proposed Transport revenues (Switched Direct Trunk Transport, Signalling for Switched Direct Trunk Transport, Entrance Facilities for Switched Access traffic, Tandem Switched Transport, Signalling for Tandem Switching and residual per minute Transport Interconnection Charge (TIC) pursuant to § 69.155 of this chapter) by price cap local exchange carrier only base period MOUs (includ-

ing meet-point billing arrangements for jointly-provided interstate access by a price cap local exchange carrier and any other local exchange carrier).

(2) For the purposes of determining whether the ATS charge has reached the Target Rate as set forth in § 61.3(qq), the calculations should include all the relevant revenues and minutes for services provided under generally available price cap tariffs.

(f) *Band.* A zone of pricing flexibility for a service category, which zone is calculated pursuant to § 61.47.

(g) *Base period.* For carriers subject to §§ 61.41 through 61.49, the 12-month period ending six months prior to the effective date of annual price cap tariffs. Base year or base period earnings shall exclude amounts associated with exogenous adjustments to the PCI for the lower formula adjustment mechanism permitted by § 61.45(d)(1)(vii).

(h) *Basket.* Any class or category of tariffed service or charge:

(1) Which is established by the Commission pursuant to price cap regulation;

(2) The rates of which are reflected in an Actual Price Index; and

(3) The related revenues of which are reflected in a Price Cap Index.

(i) *Change in rate structure.* A restructuring or other alteration of the rate components for an existing service.

(j) *Charges.* The price for service based on tariffed rates.

(k) *Commercial contractor.* The commercial firm to whom the Commission annually awards a contract to make copies of Commission records for sale to the public.

(l) *Commission.* The Federal Communications Commission.

(m) *Concurring carrier.* A carrier (other than a connecting carrier) subject to the Act which concurs in and assents to schedules of rates and regulations filed on its behalf by an issuing carrier or carriers.

(n) *Connecting carrier.* A carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carrier.

(o) *Contract-based tariff*. A tariff based on a service contract entered into between a non-dominant carrier and a customer, or between a customer and a price cap local exchange carrier which has obtained permission to offer contract-based tariff services pursuant to part 69, subpart H, of this chapter.

(p) *Corrections*. The remedy of errors in typing, spelling, or punctuation.

(q) *Dominant carrier*. A carrier found by the Commission to have market power (*i.e.*, power to control prices).

(r) *GDP Price Index (GDP-PI)*. The estimate of the Chain-Type Price Index for Gross Domestic Product published by the United States Department of Commerce, which the Commission designates by Order.

(s) *GNP Price Index (GNP-PI)*. The estimate of the “Fixed-Weighted Price Index for Gross National Product, 1982 Weights” published by the United States Department of Commerce, which the Commission designates by Order.

(t) *Incumbent Local Exchange Carrier*. “Incumbent Local Exchange Carrier” or “ILEC” has the same meaning as that term is defined in 47 U.S.C. 251(h).

(u) *Issuing carrier*. A carrier subject to the Act that publishes and files a tariff or tariffs with the Commission.

(v) *Line month*. Line demand per month multiplied by twelve.

(w) *Local exchange carrier*. Any person that is engaged in the provision of telephone exchange service or exchange access as defined in section 3(26) of the Act.

(x) *Mid-size company*. All price cap local exchange carriers other than the Regional Bell Operating Companies and GTE.

(y) *New service offering*. A tariff filing that provides for a class or sub-class of service not previously offered by the carrier involved and that enlarges the range of service options available to ratepayers.

(z) *Non-dominant carrier*. A carrier not found to be dominant. The nondominant status of providers of international interexchange services for purposes of this subpart is not affected by a carrier’s classification as dominant under §63.10 of this chapter.

(aa) *Other participating carrier*. A carrier subject to the Act that publishes a

tariff containing rates and regulations applicable to the portion or through service it furnishes in conjunction with another subject carrier.

(bb) *Price Cap Local Exchange Carrier*. A local exchange carrier subject to regulation pursuant to §61.41 through 61.49.

(cc) *Pooled Local Switching Revenue*. For certain qualified companies as set forth in §61.48 (m), is the amount of additional local switching reductions in the July 2000 Annual filing allowed to be moved and recovered in the CMT basket.

(dd) *Price Cap CMT Revenue*. The maximum total revenue a filing entity would be permitted to receive from End User Common Line charges under §69.152 of this chapter, Presubscribed Interexchange Carrier charges (PICCs) under §69.153 of this chapter, Carrier Common Line charges under §69.154 of this chapter, and Marketing under §69.156 of this chapter, using Base Period lines. Price Cap CMT Revenue does not include the price cap local exchange carrier universal service contributions as of July 1, 2000. The Price Cap CMT revenue does not include the pooled local switching revenue outlined in paragraph (bb) of this section.

(ee) *Price Cap Index (PCI)*. An index of prices applying to each basket of services of each carrier subject to price cap regulation, and calculated pursuant to §61.45.

(ff) *Price cap regulation*. A method of regulation of dominant carriers provided in §§61.41 through 61.49.

(gg) *Price cap tariff filing*. Any tariff filing involving a service subject to price cap regulation, or that requires calculations pursuant to §§61.45, 61.46, or 61.47.

(hh) [Reserved]

(ii) *Rate*. The tariffed price per unit of service.

(jj) *Rate increase*. Any change in a tariff which results in an increased rate or charge to any of the filing carrier’s customers.

(kk) *Rate level change*. A tariff change that only affects the actual rate associated with a rate element, and does not affect any tariff regulations or any other wording of tariff language.

(ll) *Regulations*. The body of carrier prescribed rules in a tariff governing

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the offering of service in that tariff, including rules, practices, classifications, and definitions.

(mm) *Restructured service*. An offering which represents the modification of a method of charging or provisioning a service; or the introduction of a new method of charging or provisioning that does not result in a net increase in options available to customers.

(nn) *Rural Company*. A company that, as of December 31, 1999, was certified to the Commission as a rural telephone company.

(oo) *Service Band Index (SBI)*. An index of the level of aggregate rate element rates in a service category, which index is calculated pursuant to § 61.47.

(pp) *Service category*. Any group of rate elements subject to price cap regulation, which group is subject to a band.

(qq) *Supplement*. A publication filed as part of a tariff for the purpose of suspending or canceling that tariff, or tariff publication and numbered independently from the tariff page series.

(rr) *Target Rate*. The applicable Target Rate shall be defined as follows:

(1) For regional Bell Operating Companies and GTE, \$0.0055 per ATS minute of use;

(2) For a holding company with a holding company average of less than 19 Switched Access End User Common Line charge lines per square mile served such company may elect to use a Target Rate of \$0.0095 with respect to all exchanges owned by that holding company on July 1, 2000, or which that holding company is, as of April 1, 2000, under a binding and executed contract to purchase;

(3) For other price cap local exchange carriers, \$0.0065 per ATS minute of use.

(ss) *Tariff*. Schedules of rates and regulations filed by common carriers.

(tt) *Tariff publication, or publication*. A tariff, supplement, revised page, additional page, concurrence, notice of revocation, adoption notice, or any other schedule of rates or regulations filed by common carriers.

(uu) *Tariff year*. The period from the day in a calendar year on which a carrier's annual access tariff filing is scheduled to become effective through the preceding day of the subsequent calendar year.

(vv) *Text change*. A change in the text of a tariff which does not result in a change in any rate or regulation.

(ww) *United States*. The several States and Territories, the District of Columbia, and the possessions of the United States.

(xx) *Corridor service*. "Corridor service" refers to interLATA services offered in the "limited corridors" established by the District Court in *United States v. Western Electric Co., Inc.*, 569 F. Supp. 1057, 1107 (D.D.C. 1983).

(yy) *Toll dialing parity*. "Toll dialing parity" exists when there is dialing parity, as defined in § 51.5 of this chapter, for toll services.

(zz) *Loop-based services*. Loop-based services are services that employ Subcategory 1.3 facilities, as defined in § 36.154 of this chapter.

(aaa) *Zone Average Revenue per Line*. The amount calculated as follows:

$$\text{Zone Average Revenue per Line} = (25\% * (\text{Loop} + \text{Port})) + U \text{ (Uniform revenue per line adjustment)}$$

Where:

Loop = the price for unbundled loops in a UNE zone.

Port = the price for switch ports in that UNE zone.

$$U = [(\text{Average Price Cap CMT Revenue per Line month in a study area} * \text{price cap local exchange carrier Base Period Lines}) - (25\% * \Sigma (\text{price cap local exchange carrier Base Period Lines in a UNE Zone} * ((\text{Loop} + \text{Port}) \text{ for all zones})))] + \text{price cap local exchange carrier Base Period Lines in a study area.}$$

(bbb) *Access stimulation*. (1) A rate-of-return local exchange carrier or a Competitive Local Exchange Carrier engages in access stimulation when it satisfies the following two conditions:

(i) Has an access revenue sharing agreement, whether express, implied, written or oral, that, over the course of the agreement, would directly or indirectly result in a net payment to the other party (including affiliates) to the agreement, in which payment by the rate-of-return local exchange carrier or Competitive Local Exchange Carrier is based on the billing or collection of access charges from interexchange carriers or wireless carriers. When determining whether there is a net payment

under this rule, all payments, discounts, credits, services, features, functions, and other items of value, regardless of form, provided by the rate-of-return local exchange carrier or Competitive Local Exchange Carrier to the other party to the agreement shall be taken into account; and

(ii) Has either an interstate terminating-to-originating traffic ratio of at least 3:1 in a calendar month, or has had more than a 100 percent growth in interstate originating and/or terminating switched access minutes of use in a month compared to the same month in the preceding year.

(2) The local exchange carrier will continue to be engaging in access stimulation until it terminates all revenue sharing arrangements covered in paragraph (a)(1)(i) of this section. A local exchange carrier engaging in access stimulation is subject to revised interstate switched access charge rules under §61.38 and §69.3(e)(12) of this chapter.

[54 FR 19840, May 8, 1989]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §61.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§§ 61.11–61.12 [Reserved]

Subpart B—Rules for Electronic Filing

SOURCE: 63 FR 35540, June 30, 1998, unless otherwise noted.

§61.13 Scope.

(a) This applies to all tariff publications of issuing carriers required to file tariff publications electronically, and any tariff publication that a carrier chooses to file electronically.

(b) All issuing carriers that file tariffs are required to file tariff publications electronically.

(c) All tariff publications shall be filed in a manner that is compatible and consistent with the technical requirements of the Electronic Tariff Filing System.

[63 FR 35540, June 30, 1998, as amended at 76 FR 43210, July 20, 2011]

§61.14 Method of filing publications.

(a) Publications filed electronically must be addressed to “Secretary, Federal Communications Commission, Washington, DC 20554.” The Electronic Tariff Filing System will accept filings 24 hours a day, seven days a week. The official filing date of a publication received by the Electronic Tariff Filing System will be determined by the date and time the transmission ends. If the transmission ends after the close of a business day, as that term is defined in §1.4(e)(2) of this Chapter, the filing will be date and time stamped as of the opening of the next business day.

(b) In addition, except for issuing carriers filing tariffing fees electronically, for all tariff publications requiring fees as set forth in part 1, subpart G of this chapter, issuing carriers must submit the original of the cover letter (without attachments), FCC Form 159, and the appropriate fee to the address set forth in §1.1105 of this chapter.

(c) Carriers that are required to file publications electronically may not file those publications on paper or other media unless specifically required to do so by the Commission.

(d) Carriers that are required to file publications electronically need only transmit one set of files to the Commission. No other copies to any other party are required.

(e) Carriers that are required to file publications electronically must comply with the format requirements set forth in §§61.52 and 61.54, with the exception of the informational tariffs filed pursuant to 47 U.S.C. 226(h)(1)(A).

[63 FR 35540, June 30, 1998, as amended at 64 FR 46586, Aug. 26, 1999; 73 FR 9030, Feb. 19, 2008; 76 FR 43210, July 20, 2011]

§61.15 Letters of transmittal and cover letters.

(a) All tariff publications filed with the Commission electronically must be accompanied by a letter of transmittal. All letters of transmittal filed with the Commission must be numbered consecutively by the issuing carrier beginning with Number 1. All letters of transmittal must also:

- (1) Concisely explain the nature and purpose of the filing;
- (2) Specify whether supporting information is required for the new tariff or